

ILLINOIS COMMERCE COMMISSION

DOCKET No. 15-_____

DIRECT TESTIMONY

OF

**AMANDA SLOAN
CONTRACT LAND STAFF, LLC**

Submitted On Behalf

Of

AMEREN TRANSMISSION COMPANY OF ILLINOIS

September 22, 2015

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I. INTRODUCTION

Q. Please state your name, business address and present position.

A. My name is Amanda Sloan. My business address is 3200 Pleasant Run, Springfield, Illinois. I am a Project Director, Electric Transmission for Contract Land Staff, LLC (CLS).

Q. Please summarize your educational background and professional experience.

A. My educational background and professional experience is attached as an Appendix to this testimony.

Q. What are your duties and responsibilities in your present position?

A. I am the CLS Project Director, Electric Transmission, assigned as a Project Manager to Ameren Transmission Company of Illinois' (ATXI or the Company) Illinois Rivers Project (the Project). I am responsible for management of the CLS acquisition agents, permitting agents, and administrative personnel working to secure necessary land rights for the Illinois Rivers Project. I oversee CLS field personnel who are located out of our Project regional office in Springfield, Illinois. These field leads and acquisition agents are tasked with meeting and negotiating with property owners impacted by the Project.

22 **Q. What is the purpose of your testimony in support of this Petition?**

23 A. The purpose of my direct testimony is to describe the process by which CLS, on behalf of
24 ATXI, negotiates with landowners to secure land rights for the Illinois Rivers Project. I also
25 provide details regarding the individual landowner negotiations for those properties over which
26 ATXI is seeking eminent domain authority in this proceeding.

27 **Q. Are you sponsoring any exhibits in support of your testimony?**

28 A. I am sponsoring the following exhibits:

- 29 • ATXI Exhibit 2.1: Summary of Landowner Contacts
- 30 • ATXI Exhibit 2.2: Summary of Compensation Offers (Confidential – Contains
31 Terms of Negotiations)
- 32 • ATXI Exhibit 2.3: Group Exhibit of Landowner-Specific Documentation
- 33 • ATXI Exhibit 2.4: Sample of Aerial Image Depicting Preliminary Structure
34 Locations

35 **Q. What does ATXI Exhibit 2.3 contain?**

36 ATXI Exhibit 2.3 is a group exhibit containing packets of documentation specific to each owner
37 of the Unsigned Properties. Each packet includes the following: (i) a summary of issues the
38 landowner raised during negotiations and ATXI's efforts to address those issues, as of September
39 9, 2015, unless otherwise specified; (ii) a completed agent checklist; (iii) a map of the property;
40 and (iv) a final plat of each property, including the legal description of the easement ATXI is
41 seeking. For ease of use, a table of contents is provided for the entire exhibit.

42 **II. LAND RIGHTS ACQUISITION SERVICES PROVIDED BY CLS**

43 **Q. Please explain the nature of the services provided by CLS.**

A. CLS is a nationwide land consulting firm that provides services associated with the acquisition of easements for infrastructure. CLS was established in 1985 and specializes in electric and pipeline easement acquisitions along with project management and consulting and is headquartered in Sugar Land, Texas.

Q. What is CLS's role in ATXI's efforts to acquire land rights for the Project?

A. ATXI retained CLS as a contractor to assist the Company with acquiring the necessary land rights for the Project. CLS is responsible for project management for the acquisition of land rights, easements and permits. We provide experienced survey and land agents to negotiate on behalf of ATXI with property owners and act as an intermediary between landowners and ATXI. CLS land agents have significant experience negotiating for the acquisition of property rights to be used in infrastructure projects.

ATXI and CLS have the mutual goal of treating each landowner along the Project equitably and fairly. In furtherance of that goal, CLS agents negotiate personally with each landowner, make efforts to understand and resolve their individual concerns, answer questions, and relay landowners' counteroffers, pole placement change requests, and easement language revisions to ATXI.

Q. What is your role as Project Manager for the Illinois Rivers Project?

A. I oversee the CLS acquisition program, including all land agents and their direct supervisors. I meet with the land agent supervisors and the agents regularly, either in our offices or via teleconference, to discuss the status of negotiations on the tracts to which they have been assigned. I review the land agents' records regarding contacts with landowners on a regular basis. I also review landowners' proposed changes to easement language as well, with guidance

from counsel and ATXI. I provide guidance to land agents to address landowner issues, and at times, participate in landowner negotiations. I meet or speak with ATXI representatives, including Mr. Rick Trelz on an on-going, as-needed basis to report on acquisition status and discuss concerns, counteroffers, and easement language requests. I also participate in weekly meetings with ATXI engineering personnel in order to discuss requests related to structure placement and route alignment.

Q. What are the “land agents’ records” you refer to?

A. CLS requires that land agents document all contacts with landowners in a CLS proprietary database. This documentation of the daily communications with owners, tenants and property representatives is done in the ordinary course of business.

Q. Are you responsible for assigning agents to specific landowners?

A. Yes, along with their land agent supervisors.

Q. Is there a policy that guides CLS in assigning a specific land agent to each landowner?

A. Yes. In response to Commission and Staff concerns regarding the number of different agents contacting landowners, CLS in conjunction with ATXI, developed and adopted a new Land Acquisition Agent Assignment Policy, which was effective June 23, 2014. This policy was presented to the Commission in Docket 14-0438. The goal of this new policy was to have a single agent be the point of contact for the landowners throughout the easement negotiations. This policy was later revised and presented to the Commission in Docket 14-0551.

86 **III. LANDOWNER CONTACT**

87 **Q. Please explain the process by which CLS, on behalf of ATXI, begins negotiations to**
88 **acquire the necessary land rights across the affected properties.**

89 A. As explained by Mr. Trelz, fourteen days after the letter and Statement of Information
90 was mailed to landowners, CLS personnel contacted landowners to discuss the Project. Contact
91 was made in person, if possible, and was intended to inform the landowners of both the reason
92 for contact and the purpose of the Project. CLS, at ATXI's direction, provided landowners with
93 a written statement of the Project's purpose, a small-scale map, and a property-specific option
94 exhibit (sketch), as well as information regarding the type and location of the proposed facilities.
95 A sample landowner packet is attached to Mr. Trelz's direct testimony as ATXI Exhibit 1.2.
96 CLS land agents presented ATXI's offers of compensation to each landowner and explained that
97 the offers were based on a third-party independent appraiser's determination of the market value
98 of each property. A copy of the worksheet calculating the offered compensation was provided to
99 each landowner. Additionally, when completed, an appraisal of each property was provided to
100 each landowner. CLS agents made themselves available for discussion and negotiations, as
101 required and/or requested by each landowner. ATXI Exhibit 2.2 contains information on the
102 most recent third-party, independent market appraisals, offers to landowners and any
103 counteroffers.

104 **Q. How many times has ATXI or CLS contacted the owners of the Unsigned**
105 **Properties?**

106 A. The number of contacts made with each owner of an Unsigned Property is detailed on
107 ATXI Exhibit 2.1 and further described in ATXI Exhibit 2.3.

108 **Q. What happens after land agents initiate contact with landowners?**

109 A. Landowners often have questions or concerns about compensation, the placement of
110 poles on their property, and the language of the easement document. CLS agents seek to address
111 their questions or concerns. In some cases, landowners make a counteroffer to ATXI's offer.
112 CLS agents forward the counteroffers and supporting information to ATXI and the appraisers for
113 their review. CLS works with ATXI to respond promptly to all counteroffers made by
114 landowners and to address each landowner's non-compensation-related concerns. I discuss these
115 items in more detail below.

116 **IV. EXPLANATION OF INITIAL OFFERS**

117 **Q. Do land agents explain the basis for ATXI's offers of compensation to landowners?**

118 A. Yes. CLS agents provided each landowner along the transmission line route and/or their
119 attorney or representative, a calculation sheet stating the market price per acre, the acreage of the
120 easement area, the percentage of market value at which ATXI believed the easement should be
121 valued (as determined by ATXI's independent appraiser), prepaid crop damages (for agricultural
122 property) and prepaid general property damages for compaction and deep ripping, and
123 restoration (such as fertilizer, rutting and reseeding) and the compensation offer itself.
124 Additionally, CLS agents informed landowners and/or their attorneys that the initial offer was
125 based on a third-party, independent appraiser's determination of the market value of the property
126 and provided a copy of the appraisal as discussed above.

127 **Q. What other efforts did the land agents make to inform landowners about the**
128 **location of the transmission line on their property?**

129 A. If the landowner allowed a land agent to meet with them, the land agent provided the

Option Exhibit that shows the intended location of the easement. The land agent also provided each landowner an aerial image of the preliminary location of each of the structures ATXI planned to construct within the easement, if one was available at the time. A sample of this printout is included as ATXI Exhibit 2.4. Many times agents met with the landowners on their property and walked the proposed easement area. Agents informed the landowners that these locations could change due to soil boring information, final ground survey, and final line design.

Q. In the event that a landowner makes a counteroffer, what process do CLS agents follow?

A. CLS agents document the counteroffer into our proprietary database software and report the counteroffer to their supervisor. Additionally, land agents encourage landowners to obtain an appraisal and inform landowners that ATXI will consider other current appraisals or comparable sales when assessing their counteroffer. CLS then provides any information we receive from the landowner to the appraiser, on whose opinion ATXI's initial offer was based, to determine if the information provided changes the easement valuation. The appraiser's determination and any supporting information provided by the landowner is shared with ATXI and a determination is made whether to accept, counter, or reject the counteroffer. When a determination has been made on the counteroffer, I or one of my subordinates communicate the determination to the land agent so the agent can then communicate the outcome to the property owner. ATXI witness Mr. Trelz further explains ATXI's response to counteroffers from landowners.

Q. What reasons have the owners of the Unsigned Properties given for refusing ATXI's offers?

A. The primary reason given by these landowners is that the level of compensation is too

low. In addition, some landowners requested changes to the easement document or the location of structures along their property. These requests, and ATXI's responses, are discussed individually in ATXI Exhibit 2.3.

Q. How did CLS address the compensation-related concerns these landowners have raised?

A. Land agents encouraged landowners who disagreed with ATXI's offered level of compensation to provide a current appraisal or other supporting documentation as evidence that the level of compensation was too low.

V. EFFORTS TO ADDRESS NON-COMPENSATION RELATED CONCERNS

Q. Did the owners of the Unsigned Properties raise any concerns other than compensation?

A. Yes. Many landowners were concerned about the language of the easement document, and the location of poles within their property.

Q. How do land agents respond to concerns other than those related to compensation?

A. Land agents suggest a possible solution to address the landowner's concerns. Depending on the concern, possible solutions include addressing the concern in a Confidential Settlement Agreement (CSA), recommending the landowner consider a pole relocation request, or informing the landowners of approximate pole locations. This is a progression of the problem-solving phase and specific to the individual landowner and his or her specific concern.

Q. How do land agents respond to concerns regarding the language of the easement?

A. Many concerns are simply addressed in the standard easement agreement, but ATXI has

considered each request on a stand-alone basis and has been willing to incorporate changes when the requested changes do not compromise the easement rights ATXI is seeking. For other landowner concerns, ATXI negotiated confidential settlement agreements. I would emphasize a landowner does not have to propose specific language revisions.

Q. How do land agents respond to concerns regarding the location of structures?

A. When a landowner makes a request to change the location of structures on their property, the land agent reviews the request and determines if neighboring parcels will be affected by the requested change. If neighboring parcels are affected, the agent and the landowner work with adjacent owners to seek their approval of the adjustment. If all neighboring parcels agree to the adjustment, then the agent prepares a relocation request and submits that request to ATXI for review. As explained by Mr. Trelz, ATXI then evaluates whether the pole relocation request can be accommodated.

VI. NEED FOR EMINENT DOMAIN

Q. Based on your knowledge of the negotiations for the Unsigned Properties, do you believe that continued negotiation is likely to produce a negotiated resolution for any of the Unsigned Properties?

A. No.

VII. CONCLUSION

Q. Does this conclude your direct testimony?

A. Yes, it does.

APPENDIX

STATEMENT OF QUALIFICATIONS
AMANDA SLOAN

I have been employed in the right of way industry providing contract service to companies similar to ATXI for eight years and currently am employed by Contract Land Staff as a Project Director, with direct project management and supervision of ATXI's Illinois Rivers Project. I have worked as the Project Manager on the Project since September 2013. Immediately prior to this assignment I was the Project Manager for a 230kV transmission line project on the East Coast. In my career I have performed work as an Abstractor, Survey Support Agent, Land Agent, Senior Land Agent, as well as a Project Supervisor. I earned my bachelor's degree in International Business and Economics from the State University of New York (SUNY) College at Brockport in Brockport, New York in December 2000.